

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1, 3-8, 10-14 and 19-26 remain in the application. Claims 2, 9 and 15-18 have been cancelled. Claims 1, 3, 5, 6 and 10 have been amended. The amendments do not add new matter to the application. Claims 25 and 26 are new, but do not add new matter to the application.

Claims 1, 3-8, 11-13 and 19-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,285,916 to Kadaba et al. (hereinafter Kadaba '916) in view of U.S. Patent 5,489,773 to Kumar (hereinafter Kumar '773). For the following reasons, the Examiner's rejections are traversed.

Kadaba '916 teaches a hand-held device for a parcel tracking system that can track parcels during the *internal stages* of delivery after receipt of the parcel from a parcel delivery service, using an efficient device that can obtain signatures of a recipient and a scan code printed on parcel labels, and can respond to tracking enquiries prior to transferring collected information to a different computer (Kadaba - Column 2, Lines 12-18). During an internal stage of delivery within an organization, after receipt of the parcel from a parcel delivery service, the device allows for obtaining signatures of recipients (Column 2, Lines 24-30). A parcel dropped at a mail room may be logged into a portable data entry and processing device, such as a PDA, equipped with a wand mounted bar code reader (Column 2, Lines 60-65).

For the internal stage of delivery, a mail room clerk or other person takes the parcel to the intended recipient or arranges for the recipient to pick up the parcel. Upon this delivery, the clerk checks out the parcel, preferably by scanning the bar code again with the wand scanner, and then having the recipient sign the screen of the PDA using the wand as a stylus (Column 3, Lines 1-8). According to Kadaba '916, the wand can be used to sign, and by that to verify receipt of the parcel. (Column 5, Lines 45-50). The recipient may enter his first and last names to verify receipt of the parcel (Column 6, Lines 60-67). After the signature is acquired, the recipient taps a confirm button to approve the verifying information and close the check-out routine, and hands the PDA back to the clerk (Column 7, Lines 1-4).

Kumar '773 teaches a device for processing point of sale transactions that includes a reader for reading credit card information, the reader carried within a housing, first data entry means for entering customer information, a scanner for scanning product identification information, a display, a printer, means for furnishing at least selected credit card information, customer information, and product identification information, to obtain a transaction approval, and a processor for receiving the credit card information, the customer information, and the product identification information (Kumar - Column 2, Lines 40-60). It is apparent that besides the credit card information, customer information needs to be provided. The credit card as such does not provide any customer identification information, but rather only information about the credit card of a customer, e.g. the account number of a customer. In order to receive customer information, e.g. customer identification information, a keyboard suitable for entry of customer information is necessary (Column 3, Lines 62-65). In order to operate the system according to Kumar '773,

the bar code of a product is scanned (Column 6, Lines 57-65). Then, after all products to be purchased have been scanned, the customer's credit card is read (Column 7, Lines 1-14). Further, the operator requests the customer to sign a receipt (Column 7, Lines 15-20). For customer identification, the system according to Kumar '773 requests a customer signature.

Regarding claim 1, even if the references were combined in the manner proposed by the Examiner, the present invention would not result. First, the combination does not teach a device for use in courier, express and delivery services for boxing, wares, goods, parcels and letters as required. Rather, at best, the combination teaches a device, as shown in Kadaba '916, for internal tracking of parcels or packages. Kumar '773 does not advance the teachings of Kadaba '916 in this area, as Kumar '773 does not track packages, but rather processes point of sale transactions.

The combination does not teach an input system being incorporated into a recipient identification reader adapted to read machine-readable recipient identifications, as required. Both references require the signature of the recipient (Kadaba) or customer (Kumar). However, these signatures cannot be verified by the reader and as such are not the same as the recipient identifications read by the recipient identification reader of the claimed invention. Rather, either an unverified signature (Kadaba) or a signature verified by known manual means, i.e. a salesman compares a signed receipt with a signature on the back of the credit card (Kumar), is used in the reference combination. The PDA of Kadaba '916 does not verify the correctness of the signature, but simply stores the signature as a plain image.

Machine-readable recipient identifications are simply not taught by the

combination. The only machine readable information taught is credit card information which represents a credit card account (not a recipient) or a simple electronic image of a signature, which is not verified and could simply be a forgery. There is no requirement for verification within the combination as the combination is only directed to the internal tracking of packages (the package stays within the company), and not courier, express or parcel services. Within the company, there is no need to check whether the person receiving the parcel is the intended recipient as opposed to somebody pretending to be the recipient. Further, a clerk possibly knows the person receiving the parcels, and therefore does not need any assistance in verifying the recipient information.

Further, there is no motivation or suggestion in the art of record to combine the references in the manner proposed by the Examiner. The references are directed toward solving different problems. Kadaba '916 is directed to internal tracking devices whereas Kumar '773 is directed to point of sale devices. One skilled in the art of internal package tracking would not look to point of sale devices, where no package tracking occurs to improve upon the state of the art. Hence, the Examiner's rejection is invalid as being based only on hindsight.

For the foregoing reasons, independent claim 1 is patentable over the combination of Kadaba '916 and Kumar '773. Reconsideration and withdrawal of the rejection of claim 1 and claims 3-8 that depend therefrom, is hereby requested.

Claims 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kadaba '916 in view of Kumar '773. For the following reasons, the Examiner's rejections are traversed.

Claim 12 is directed to a method that includes a step of providing a mobile

data acquisition device having an input system, wherein the input system is incorporated into a recipient identification reader that is adapted to read machine-readable recipient identifications. Thus, the arguments presented above with respect to claim 1 regarding the combination of references failing to teach such an input system and the recipient identifications read by recipient identification reader are applicable here as well.

Further, as stated above with respect to claim 1, there is no motivation or suggestion in the art of record to combine the references in the manner proposed by the Examiner. The references are directed toward solving different problems. Kadaba '916 is directed to internal tracking devices whereas Kumar '773 is directed to point of sale devices. One skilled in the art of internal package tracking would not look to point of sale devices, where no package tracking occurs to improve upon the state of the art. Hence, the Examiner's rejection is invalid as being based only on hindsight.

For the foregoing reasons, independent claim 12 is patentable over the combination of Kadaba '916 and Kumar '773. Reconsideration and withdrawal of the rejection of claim 12 and claims 13-14 that depend therefrom, is hereby requested.

Claims 19-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kadaba '916 in view of Kumar '773. For the following reasons, the Examiner's rejections are traversed.

Even if the references were combined in the manner proposed by the Examiner, the present invention would not result. As stated above with respect to claim 1, the combination does not teach an input system being incorporated into a

recipient identification reader adapted to read machine-readable recipient identifications, as required. Both references require the signature of the recipient (Kadaba) or customer (Kumar). However, these signatures cannot be verified by the reader and as such are not the same as the recipient identifications read by the recipient identification reader of the claimed invention. Rather, either an unverified signature (Kadaba) or a signature verified by known manual means, i.e. a salesman compares a signed receipt with a signature on the back of the credit card (Kumar), is used in the reference combination. The PDA of Kadaba '916 does not verify the correctness of the signature, but simply stores the signature as a plain image.

Machine-readable recipient identifications are simply not taught by the combination. The only machine readable information taught is credit card information which represents a credit card account (not a recipient) or a simple electronic image of a signature, which is not verified and could simply be a forgery. There is no requirement for verification within the combination as the combination is only directed to the internal tracking of packages (the package stays within the company), and not courier, express or parcel services. Within the company, there is no need to check whether the person receiving the parcel is the intended recipient as opposed to somebody pretending to be the recipient. Further, a clerk possibly knows the person receiving the parcels, and therefore does not need any assistance in verifying the recipient information.

As stated above with respect to claim 1, there is no motivation or suggestion in the art of record to combine the Kadaba '916 and Kumar '773 references in the manner proposed by the Examiner.

For the foregoing reasons, independent claim 19 is patentable over the

combination of Kadaba '916 and Kumar '773. Reconsideration and withdrawal of the rejection of claim 19 and claims 20-24 that depend therefrom, is hereby requested.

Claims 10 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kadaba '916 in view of Kumar '773 and in further view of U.S. Patent 6,484,260 to Scott et al. (hereinafter Scott '260). For the following reasons, the Examiner's rejections are traversed.

As stated above with respect to claim 1, there is no motivation or suggestion in the art of record to combine the Kadaba '916 and Kumar '773 references in the manner proposed by the Examiner. The references are directed toward solving different problems. Kadaba '916 is directed to internal tracking devices whereas Kumar '773 is directed to point of sale devices. One skilled in the art of internal package tracking would not look to point of sale devices, where no package tracking occurs to improve upon the state of the art. Hence, the Examiner's rejection is invalid as being based only on hindsight.

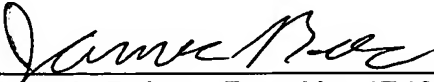
Additionally, claims 10 and 14 depend from independent claims 1 and 12 respectively and are patentable for the reasons brought forth above with regard to claims 1 and 12. Reconsideration and withdrawal of the rejection of claims 10 and 14 is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. COH-12726.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By   
James A. Balazs, Reg. No. 47401

4080 Erie Street  
Willoughby, Ohio 44094-7836  
(216) 566-9700